

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

MICHELLE WOOD,
Plaintiff,

v.

JUDGE THOMAS HIXSON, et al.,
Defendants.

Case No. 21-cv-08012-LB

**ORDER REASSIGNING CASE;
REPORT AND RECOMMENDATION
TO DISMISS COMPLAINT**

The plaintiff, who is representing herself and proceeding in forma pauperis, sued two judges in this district, claiming that they obstructed justice and violated her First Amendment rights when they dismissed her earlier lawsuit, Order, *Jesus Christ v. Donald J. Trump*, No. 21-cv-07140-VC (TSH) – ECF No. 8.¹ The court previously granted the plaintiff’s motion to proceed in forma pauperis and now screens the complaint for minimum legal viability under 28 U.S.C. § 1915(e)(2).² The lawsuit is frivolous: the judges have judicial immunity, and the plaintiff’s recourse is to appeal the decision, not collaterally attack it. *Moore v. Brewster*, 96 F.3d 1240, 1243 (9th Cir. 1996); *Mullis v. U.S. Bankr. Ct.*, 828 F.2d 1385, 1394 (9th Cir. 1987). Because not all parties have appeared or consented to magistrate-judge jurisdiction, the case must be reassigned.

¹ Compl. – ECF No. 1 at 1–4. Citations refer to material in the Electronic Case File (ECF); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Order – ECF No. 5.

1 The court directs the Clerk of Court to reassign the case and recommends that the newly assigned
2 judge dismiss the case. (The court recognizes the related-case issue, but because of conflict issues
3 and the obvious recourse of appeal (as opposed to a collateral attack), the court thinks it most
4 efficient to issue this report and recommendation for reassignment on the ordinary wheel.)

5 Any party may serve and file specific written objections to this recommendation within 14
6 days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2); N.D. Cal.
7 Civ. L.R. 72-3. Failure to file written objections within the specified time may waive the right to
8 appeal the district court's order.

9 **IT IS SO ORDERED.**

10 Dated: November 23, 2021



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12 LAUREL BEELER
13 United States Magistrate Judge
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United States District Court
Northern District of California